

PCT #4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Kei ETOU et al.

Group Art Unit: Not Yet Assigned

Application No.: 10/525,374

Examiner: Not Yet Assigned

Filed: February 23, 2005

Attorney Docket No.: 7398/84282

Confirmation No.: Not Yet Assigned

Customer No.: 42798

Title: THIN-FILM COATED TONER

**SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22304

Sir:

Applicants submit herewith a copy of the English translation of the International Preliminary Examination Report issued for the basic PCT application (PCT/JP2003/010592) of the above-referenced application.

Respectfully submitted,

FITCH, EVEN, TABIN &amp; FLANNERY

Date: June 28, 2005

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From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 72.2)

To:

MIYAZAKI, Teruo  
8th Floor, 16th Kowa Bldg.  
9-20, Akasaka 1-chome  
Minato-ku, Tokyo 107-0052  
JAPON

Date of mailing (day/month/year) 06 May 2005 (06.05.2005)	
Applicant's or agent's file reference TPF03P150A	IMPORTANT NOTIFICATION
International application No. PCT/JP2003/010592	International filing date (day/month/year) 21 August 2003 (21.08.2003)
Applicant TOPPAN FORMS CO., LTD. et al	

## 1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

## 2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KP, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Masashi Honda

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**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

PCT/JP2003/010592



Applicant's or agent's file reference TPF03P150A	<b>FOR FURTHER ACTION</b> See Form PCT/IPEA/416	
International application No. PCT/JP2003/010592	International filing date (day/month/year) 21 August 2003 (21.08.2003)	Priority date (day/month/year) 23 August 2002 (23.08.2002)
International Patent Classification (IPC) or national classification and IPC G03G 9/093, 9/08		
Applicant TOPPAN FORMS CO., LTD.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 01 March 2004 (01.03.2004)	Date of completion of this report 12 January 2005 (12.01.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/010592

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☐ the description:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the claims:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 03/10592

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	2, 4, 5, 8, 10-13	YES
	Claims	1, 3, 6, 7, 9	NO
Inventive step (IS)	Claims	4, 5, 10-13	YES
	Claims	1-3, 6-9	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

## 2. Citations and explanations

Document 1: JP 1-185651 A (Minolta Camera Co., Ltd.), 25 July 1989 (document cited in the international search report)

Document 2: JP 1-185650 A (Minolta Camera Co., Ltd.), 25 July 1989 (document cited in the international search report)

Document 3: JP 2002-82487 A (Mitsubishi Chemical Corporation), 22 March 2002 (document cited in the international search report)

Claims 1, 3, 6, 7 and 9

The invention set forth in claims 1, 3, 6, 7 and 9 is disclosed in document 1 (claims, page 7, lower right column; page 12, upper right column to page 13, upper left column) and document 2 (claims, page 8, lower left column; page 11, upper right column to page 14, upper left column), and therefore lacks novelty and does not involve an inventive step.

Claims 2 and 8

The invention set forth in claims 2 and 8 does not involve an inventive step in the light of documents 1 to 3. Document 3 indicates that a fixing temperature range includes the temperature range at 145°C or below (table

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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2), and that the substrate particles of toner coated with thin film are formed by agglomerating primary particles of a polymer (see paragraph [0050], etc.), and it would be easy for a person skilled in the art to set the fixing temperature of the toner to the range set forth in document 3, and to have the particles set forth in document 3 serve as the substrate particles of the toner.

Claims 4, 5 and 10 to 13

The invention set forth in claims 4, 5 and 10 to 13 is not disclosed in any of the documents cited in the international search report, and would not be obvious to a person skilled in the art.